

United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11136-GAO

Federal Trade Commission v. Direct Marketing Concepts, Inc. et al

Assigned to: George A. O'Toole Jr.

Referred to:

Demand: \$

Lead Docket: None

Related Cases: None

Case in other court: None

Cause: 15:0045 Federal Trade Commission Act

Date Filed: 06/01/04

Jury Demand: None

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: U.S. Government Plaintiff

Plaintiff

Federal Trade Commission

represented by **Daniel Kaufman**

Federal Trade Commission

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ATTORNEY TO BE NOTICED

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V.

Defendant

Direct Marketing Concepts, Inc., d/b/a
Today's Health and Direct Fulfillment

represented by **Peter S. Brooks**

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ATTORNEY TO BE NOTICED

ITV Direct, Inc., d/b/a Direct Fulfillment

represented by **Peter S. Brooks**

Donald W. Barrett

represented by **Peter S. Brooks**
 (See above for address)
ATTORNEY TO BE NOTICED

**Healthy Solutions, LLC, d/b/a Direct
 Business Concepts**

Health Solutions, Inc.

Alejandro Guerrero, a/k/a Alex Guerrero

Michael Howell

Greg Geremesz

Triad ML Marketing, Inc.

King Media, Inc.

Allen Stern

Filing Date	#	Docket Text
06/01/2004	<u>1</u>	COMPLAINT Filing fee: , filed by Federal Trade Commission. (Attachments: # <u>1</u> Complaint Part 2)(Barrette, Mark) (Entered: 06/02/2004)
06/01/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Bowler. (Barrette, Mark) (Entered: 06/02/2004)
06/01/2004		Summons Issued as to Alejandro Guerrero, Donald W. Barrett, Direct Marketing Concepts, Inc., Greg Geremesz, Health Solutions, Inc., Healthy Solutions, LLC, Michael Howell, ITV Direct, Inc., King Media, Inc., Allen Stern, Triad ML Marketing, Inc.. (Barrette, Mark) (Entered: 06/02/2004)
06/01/2004	<u>2</u>	MOTION for Temporary Restraining Order With Appointment of Temporary Receiver, Asset Freeze and Asset Restriction, Retention of Records, Expedited Discovery and Order to Show Cause Why a Preliminary Injunction Should Not Issue as to Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., Donald Barrett, Health Solutions, Inc., Healthy Solutions, LLC, Alejandro Guerrero, Michael Howell and Greg Geremesz by Federal Trade Commission.(Barrette, Mark) Additional attachment(s) added on 6/2/2004 (Barrette, Mark). (Entered: 06/02/2004)
06/01/2004	<u>3</u>	MEMORANDUM in Support re <u>2</u> MOTION for Temporary Restraining Order filed by Federal Trade Commission. (Attachments: # <u>1</u> Memorandum Part 2# <u>2</u> Temporary Restraining Order Part 1# <u>3</u> Temporary Restraining Order Part 2# <u>4</u> Text of Proposed Order)(Barrette, Mark) (Entered: 06/02/2004)
06/01/2004	<u>4</u>	DECLARATION re <u>2</u> MOTION for Temporary Restraining Order by Federal Trade Commission. (Barrette, Mark) (Entered: 06/02/2004)

06/01/2004	<u>5</u>	MOTION for Leave to File Memorandum Exceeding Page Limit by Federal Trade Commission.(Barrette, Mark) (Entered: 06/02/2004)
06/01/2004	<u>6</u>	EXHIBITS Volume 1 & Volume 2 re <u>2</u> MOTION for Temporary Restraining Order by Federal Trade Commission. (Barrette, Mark) (Entered: 06/02/2004)
06/07/2004	<u>7</u>	MEMORANDUM in Opposition re <u>2</u> MOTION for Temporary Restraining Order <i>with Appointment of Temporary Receiver, Asset Freeze and Preliminary Injunction</i> filed by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>8</u>	MOTION for Leave to File Excess Pages by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc..(Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>9</u>	AFFIDAVIT of Donald Barrett re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>10</u>	NOTICE by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc. re <u>9</u> Affidavit of Donald Barrett Exhibits - Filing with Clerk's Office (Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>11</u>	AFFIDAVIT of Robert Maihos re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B (part 1)# <u>3</u> Exhibit B (Part 2)# <u>4</u> Exhibit C# <u>5</u> Exhibit D)(Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>12</u>	AFFIDAVIT of Karen Cushman re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>13</u>	AFFIDAVIT of Luke Goljan re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>14</u>	AFFIDAVIT of Catherine Ratcliffe re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>15</u>	AFFIDAVIT of Michael Wood re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>16</u>	AFFIDAVIT of Christopher Wood re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # <u>1</u> Exhibit A)(Brooks, Peter) (Entered: 06/07/2004)

06/07/2004	<u>17</u>	AFFIDAVIT of Wayne Callahan re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>18</u>	AFFIDAVIT of Donald Barrett, Sr. re <u>7</u> Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Brooks, Peter) (Entered: 06/07/2004)
06/07/2004	<u>19</u>	Supplemental Evidence in Support of MOTION for Temporary Restraining Order With Appointment of Temporary Receiver, Asset Freeze and Asset Restriction, Retention of Records, Expedited Discovery and Order to Show Cause Why a Preliminary Injunction Should Not Issue as to Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., Donald Barrett, Health Solutions, Inc., Healthy Solutions, LLC, Alejandro Guerrero, Michael Howell and Greg Geremesz re <u>2</u> MOTION for Temporary Restraining Order by Federal Trade Commission.(Barrette, Mark) (Entered: 06/07/2004)
06/07/2004		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Motion Hearing held on 6/7/2004 re <u>2</u> MOTION for Temporary Restraining Order filed by Federal Trade Commission. The hearing is being treated as a Preliminary Injunction rather than as a Temporary Restraining Order. The court takes the matter under advisement. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 06/07/2004)
06/07/2004	<u>20</u>	Proposed Document submitted by Federal Trade Commission received for filing. Document received: Stipulated Preliminary Injunction Order as to Defendants Health Solutions, Inc., and Alejandro Guerrero. (Attachments: # <u>1</u> Preliminary Injunction Part 2# <u>2</u> Preliminary Injunction Part 3)(Barrette, Mark) (Entered: 06/08/2004)
06/07/2004	<u>21</u>	Proposed Document(s) submitted by Federal Trade Commission received for filing. Document received: Stipulated Preliminary Injunction Order as to Defendants Healthy Solutions, LLC, Michael Howell and Greg Geremesz. (Attachments: # <u>1</u> Preliminary Injunction Part 2 (2) Preliminary Injunction Part 3)(Barrette, Mark) (Entered: 06/08/2004)
06/07/2004	<u>22</u>	DECLARATION re <u>2</u> MOTION for Temporary Restraining Order by Federal Trade Commission. (Attachments: # <u>1</u> Text of Proposed Order Part 1# <u>2</u> Text of Proposed Order Part 2# <u>3</u> Text of Proposed Order Part 3# <u>4</u> Text of Proposed Order Part 4) (Barrette, Mark) (Entered: 06/08/2004)
06/07/2004	<u>26</u>	NOTICE of Filing Documents, Exhibits or attachments by Donald W. Barrett, Direct Marketing Concepts, Inc. and ITV Direct, Inc. (Barrette, Mark) (Entered: 06/10/2004)
06/08/2004	<u>27</u>	Proposed Document(s) submitted by Federal Trade Commission received for filing. Document received: Preliminary Injunction with Appointment of Receiver, Asset Freeze, Retention of Records and Expedited Discovery as to Defendant's Direct Marketing Concepts, Inc. ITV Direct, Inc., and Donald W. Barrett. (Attachments: # <u>1</u> Preliminary Injunction Part 2)(Barrette, Mark) (Entered: 06/14/2004)
06/08/2004	<u>28</u>	NOTICE of Filing of Proposed Preliminary Injunction as to Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., and Donald W. Barrett by Federal Trade

		Commission (Barrette, Mark) (Entered: 06/14/2004)
06/09/2004	23	Proposed Document(s) submitted by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc. received for filing. Document received: Preliminary Injunction Order as to Defendants Direct Marketing Concepts, Inc., d/b/a Today's Health, ITV Direct, Inc., and Donald W. Barrett. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Brooks, Peter) (Entered: 06/09/2004)
06/09/2004	24	AFFIDAVIT of Kimberly York re 7 Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery and PI</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Brooks, Peter) (Entered: 06/09/2004)
06/09/2004	25	AFFIDAVIT in Support re 7 Memorandum in Opposition to Motion, <i>for TRO, Expedited Discovery, and PI of Donald Barrett (Supplemental)</i> . (Attachments: # 1 Exhibit A# 2 Exhibit B)(Brooks, Peter) (Entered: 06/09/2004)
06/10/2004	29	RESPONSE to Motion re 19 MOTION for Temporary Restraining Order With Appointment of Temporary Receiver, Asset Freeze and Asset Restriction, Retention of Records, Expedited Discovery and Order to Show Cause Why a Preliminary Injunction Should Not Issue as to Defendants Direct M filed by Federal Trade Commission. (Barrette, Mark) (Entered: 06/15/2004)
06/21/2004	30	NOTICE of Filing of Supplemental Materials in Support of Plaintiff's Motion for a Temporary Restraining Order/Preliminary Injunction by Federal Trade Commission re 2 MOTION for Temporary Restraining Order (Barrette, Mark) (Entered: 06/22/2004)
06/23/2004	31	AFFIDAVIT of Donald Barrett <i>Supplemental</i> by Donald W. Barrett, Direct Marketing Concepts, Inc., ITV Direct, Inc.. (Attachments: # 1 Exhibit A)(Brooks, Peter) (Entered: 06/23/2004)
06/23/2004	32	Judge George A. O'Toole Jr.: ORDER entered granting 2 Motion for TRO (Now being treated as a Preliminary Injunction; as stated in Clerk Note 6/7/04 (Attachments: # 1 Order on Preliminary Injunction Part 2# 2 Exhibit Financial Statement of Individual Defendant# 3 Exhibit Financial Statement of Corporate Defendant# 4 Consent to Release of Financial Records) (Barrette, Mark) (Entered: 06/24/2004)

PACER Service Center			
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07/15/2004 20:27:50			
PACER Login:	ss0432	Client Code:	35965-6
Description:	Docket Report	Case Number:	1:04-cv-11136-GAO
Billable Pages:	4	Cost:	0.28